

Exhibit B

Hearing Transcript

In re: Art Van Furniture, LLC, Case No. 20-10553 (CSS) (Bankr. D. Del. Mar. 10, 2020)

UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

IN RE: Chapter 11
ART VAN FURNITURE, LLC, *et al.*, Case No. 20-10553 (CSS)
Courtroom No. 6
824 North Market Street
Wilmington, Delaware 19801
Debtors. March 10, 2020
10:00 A.M.

TRANSCRIPT OF FIRST DAY HEARING
BEFORE THE HONORABLE CHRISTOPHER S. SONTCHI
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES:

For the Debtors: Gregory G. Werkheiser, Esquire
Michael J. Barrie, Esquire
Jennifer Hoover, Esquire
Kevin Capuzzi, Esquire
John C. Gentile, Esquire
BENESCH, FRIEDLANDER, COPLAN
& ARONOFF LLP
222 Delaware Avenue, Suite 801
Wilmington, Delaware 19801

Audio Operator: Leslie Murin

Transcription Company: Reliable
1007 N. Orange Street
Wilmington, Delaware 19801
(302) 654-8080
Email: gmatthews@reliable-co.com

Proceedings recorded by electronic sound recording, transcript
produced by transcription service.

1 are not part of this bankruptcy by choice, but because they
2 merely work for the debtor or have dealings with the debtor
3 outweigh any transparency or public policy concerns that the
4 Office of the United States Trustee may raise.

5 We recognize that those concerns are important,
6 but redacting the home addresses, not the names of those
7 creditors, will not impinge on the bankruptcy process. Those
8 addresses will be made available to the court, to the Office
9 of the United States Trustee, to any creditors committee.
10 So, I see not prejudice in redacting them from the publicly
11 filed versions of the creditor matrix.

12 Similar relief has been granted recently, as
13 recent as last year in Loot Crate, THG Holdings, and the
14 Achaogen cases, as well as older cases such a Model Reorg and
15 Dex Media which are set forth in our motion. The debtors,
16 therefore, assert that cause exists under 107(c)(1) to grant
17 the relief requested.

18 THE COURT: All right.

19 MR. CAPUZZI: Thank you.

20 THE COURT: Any objection?

21 MS. RICHENDERFER: Your Honor, Linda Richenderfer
22 for the Office of the United States Trustee.

23 Your Honor, I rise to object because I note for
24 the record that there has been no attempt to make an
25 evidentiary showing to meet the burden. We just have generic

1 comments regarding identity theft. There is nothing in the
2 first day affidavit regarding this. So, I would just submit
3 to Your Honor that the debtors have not met their burden of
4 proof.

5 THE COURT: Okay. Well I disagree on that in that
6 I really don't view it as a burden of proof as much as a
7 common sense issue. I'm not sure what proof you would say
8 other than to get a witness up and say just want counsel
9 said.

10 In my experience this has become a serious issue
11 and I have changed my thinking on this as I'm sure people who
12 track these things know, based on experience in a previous
13 case. In my mind, at this point and given the risks
14 associated with having any kind of private information out on
15 the internet, this has really become routine. I think
16 obvious relief.

17 I don't ignore the plain meaning of the code or
18 the rules lightly, but sometimes the code and the rules lag
19 behind reality, and don't take into account the issues that
20 face real life people every day. I can, from personal
21 experience, tell you that identity theft happens, it happens
22 all the time. It happened to my wife and I a few years ago.
23 And I have had experience in other cases with people who have
24 been subject to danger by estranged people in their lives who
25 have been able to find out where they are. I take that

1 extremely seriously.

2 So, I will overrule the objection and grant the
3 motion.

4 MR. CAPUZZI: Thank you, Your Honor. We will
5 upload that order.

6 To round up the operation motions my colleague,
7 Kate Harmon, will handle the utilities motion, then Mr.
8 Werkheiser will be back for customer programs and cash
9 collateral.

10 Thank you.

11 THE COURT: Now I know it's cold in here, but is
12 that a scarf?

13 MS. HARMON: It is.

14 THE COURT: Okay.

15 (Laughter)

16 THE COURT: It's lovely, it's just its not that
17 cold.

18 MS. HARMON: Always cold. Good morning, Your
19 Honor. Kate Harmon, Benesch Friedlander Coplan & Aronoff,
20 proposed counsel to the debtors.

21 As Mr. Capuzzi mentioned, I will be presenting the
22 utilities motion which is Number 10 on the agenda and should
23 be Number 10 in your binder.

24 As set forth more fully in our motion we are
25 seeking interim relief today with respect to the utility